

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.476 OF 2016

Babasaheb Vitthal Kale

.. Appellant

Versus

The State of Maharashtra
and others

.. Respondents

Mr.Sanjay N. Gaikwad, Advocate for the appellant
Mr.S.N.Morampalle, APP for respondent No.1/State

CORAM : V.L.ACHLIYA, J.

DATED : 21.04.2017

P.C. :-

. Learned counsel for the appellant submits that inspite of making sincere efforts for securing the presence of the appellant the appellant has not contacted him. He has also send letter dated 20.03.2017 which was received by the appellant on 29.03.2017. Learned counsel seeks discharge.

2. Perusal of copy of letter dated 20.03.2017 and postal receipts as well as on-line acknowledgment, it appears that the appellant is not interested to prosecute the matter. Inspite of direction given to file an application seeking leave to file an appeal in view of the decision by the Apex Court in the case of **Satya Pal Singh Vs State of M.P. and ors.** the application is not

filed. Learned counsel for the appellant has taken all efforts to secure the presence of the appellant to file an application. In spite of his efforts the appellant has not responded. I am, therefore, inclined to dismiss the appeal in default of appellant to appear and to file an application seeking leave to file an appeal. The appeal stands dismissed for non-compliance of the order.

[V.L.ACHLIYA,J.]